

REMARKS/ARGUMENTS

Upon entry of this amendment, claims 1-88 will be pending in this application and presented for examination. Claims 82-88 are newly added. Early examination on the merits is respectfully requested.

In view of the Restriction Requirement dated October 24, 2003, Applicants hereby elect Group III, drawn to a composition comprising Formula I, with traverse. Claims readable thereon include claims 28-58, and new claims 82-88.

I. SUPPORT FOR THE NEW CLAIMS

Support for the new claims is found throughout the specification as filed. More specifically, support for new claims 82-84 is found, for example, on page 14, lines 27-28. Support for new claims 85-88 is found, for example, on page 16, bottom, bridging to page 17, lines 1-10. No new matter has been introduced. Therefore, Applicants respectfully request that the new claims be entered.

II. RESTRICTION REQUIREMENT IS IMPROPER

Applicants maintain that the restriction requirement is improper. Under MPEP § 803.01, there are two criteria for a proper requirement for restriction between patentably distinct inventions:

- (A) the inventions must be independent or distinct as claimed; and
- (B) there must be a serious burden on the examiner if restriction is required.

Applicants maintain that there is no serious burden on the Examiner to search claims 1-88 in their entirety, and especially Groups III and I jointly.

Applicants respectfully request that the Examiner join, at a minimum, claims 1-10, 26 and 27 to the elected Group and examine claims 1-10, 26, 27, 28-58, and new claims 82-88 on their merits.

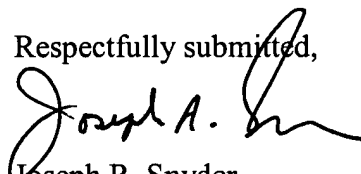
Appl. No. 10/055,863
Amdt. dated November 21, 2003
Restriction Requirement dated October 24, 2003

PATENT

The Examiner's argument for patentable distinction between Groups III and I is not convincing. As the Examiner is aware, under M.P.E.P § 821.04, if Applicants elect claims directed to the product, and the product claims are allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claims must be rejoined. Process claims, which depend from, or otherwise include all the limitations of the patentable product, will be entered *as a matter of right*.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



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